<u>Remarks</u>

Claims 1-8 are pending. Reconsideration and allowance in view of the following remarks is respectfully requested.

Claims 1, 3, and 5 are rejected under 35 U.S.C. 102(a) over Seacord et al., "A Survey of Black-Box Modernization Approaches for Information Systems," hereafter "Seacord." Claims 2 and 4 are rejected under 35 U.S.C. 103(a) over Seacord in view of Sintas, "Does Java Pass by Reference or Pass by Value," hereafter "Sintas." Claims 6 and 8 are rejected under 35 U.S.C. 103(a) over Secord in view of "Dictionary of Computing," hereafter "Computing." Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seacord in view of Computing and Sintas. These rejections are defective because the cited references, take alone or in any combination, fail to teach or suggest each and every feature set forth in the claims as required by 35 U.S.C. 102(a) and 103(a).

Regarding independent claim 1, Seacord fails to teach or suggest, *inter alia*, an **"interface which allows for the distributed processing of logical components of the legacy application by a plurality of different processors over the network, wherein the EJB interface allows for the distributed processing and the legacy application retains its conventional processing."**

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In the rejection, the Examiner references the term "distributed" in the bulleted items in section 3.3.3 of Seacord. However, in section 3.3.3 of Seacord, the term "distributed" is directed to Microsoft's "Distributed interNet Architecture," not to EJB component wrapping. Nowhere in Seacord is there disclosure related to the use of EJB component wrapping in a distributed processing environment as set forth in claim 1, nor is there any disclosure related to the distributed processing of logical components (beans) by a plurality of different processors. Indeed, Seacord provides no disclose regarding how the beans provided by the EJB server are processed by clients attached to the EJB server over a network.

The Examiner further alleges that the claimed "distributed processing" is disclosed on page 180, right column, first sentence, of Seacord. Applicant respectfully disagrees. The sentence referenced by the Examiner is as follows: "The first step in wrapping a legacy system using EJB is to separate the interface of the legacy system into modules consisting of logical units - shown in Figure 5 as Function 1 and Function 2." This sentence is directed to the splitting up of a legacy system into modules. Contrary to the assertions of the Examiner, however, this sentence is **completely silent with regard to the distributed processing of logical components by a plurality of processors**

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over a network. Nowhere is it disclosed in Seacord that such distributing processing of logical components is performed.

In the Response to Arguments section of the above-referenced Office Action, the Examiner further alleges, **without any supporting evidence**, that since "Seacord clearly indicates using EJB to wrap logical components of legacy applications, it follows that the components and functionality of the legacy system are provided in a distributed manner." Applicant disagrees. "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original). To this extent, because the Examiner has not provided any evidence to support the alleged inherency of this feature, Applicant submits that the Examiner's use of inherency in rejecting this feature is improper.

Accordingly, Applicant submits that claim 1 is allowable. Independent claims 3 and 6 are allowable for similar reasons.

With further regard to claim 3, Seacord fails to teach or suggest "providing an index to the components and the interface," wherein the components are located in different servers. With regard to claim 5 (and similarly claim 8), Seacord fails to teach or suggest "using a shared library accessing a component bean and

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a library of export symbols." The "single access point to all other points" disclosed by Seacord and cited by the Examiner does not provide an index to the components located in different servers (claim 3), nor a shared library accessing a component bean and a library of export symbols (claims 5 and 8).

Accordingly, Applicant submits that claims 1-8 are allowable.

If the Examiner believes that any further discussion of the invention would be helpful, perhaps in the form of an Examiner's Amendment, Applicant's representative is available at (518) 449-0044, and earnestly solicits such discussion.

Respectfully submitted,
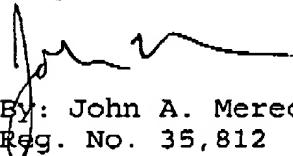
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